IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14371 of 2005

Between:

Mrs. Mazher Akthar Siddiiqua, W/o. M.M. Ali,
R/o. 10-1-851/1, A,.C Guards, Hyderabad.

..... PETITIONER

AND

The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund Road, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction declaring the action of the respondent Corporation in insisting for no objection Certificate (NOC) from the Joint Collector and TSLR Extract from the Mandal Revenue Officer, for construction of building in respect of premises bearing No. 10-1-851/1 and 10-1-851/1/A, A.C. Guards, Hyderabad, as arbitrary and illegal and direct the respondent to receive the application form along with plans from the petitioner for construction of building in premises NO. 10-1-851/1 and 10-1-851/1/A, A.C. Guards, Hyderabad, and further direct the respondent to issue construction permission in respect of construction of the said building, grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioner: MR.PRABHAKAR PERI

Counsel for the Respondent: MR.RAMA RAO GHANTA

The Court at the stage of admission made the following:

ORDER:

Seeking Writ of Mandamus, declaring the action of the respondent Corporation in insisting for No Objection Certificate from the Joint Collector and Town Survey Land Records extract from the Mandal Revenue Officer, for construction of Building in respect of premises bearing No.10-1-851/1 and
10-1-851/1/A, A.C.Guards, Hyderabad, as arbitrary and illegal, the present writ petition is filed.

The petitioner alleged to be the absolute owner and possessor of the property as mentioned in the writ petition and he purchased the same by way of two registered sale deeds dated 30.01.1995 and 31.01.1995. It is submitted that she approached the respondent Corporation with an application, seeking permission to construct a building in her property, but the respondent Corporation has refused to receive the same and insisted that unless the No Objection Certificate (NOC) from the Joint Collector and Town Survey Land Records (TSLR) extract from the Mandal Revenue Officer are enclosed, the application cannot be entertained at all.

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent Corporation.

This Court in ***Hyderabad Potteries Pvt.Ltd. vs. Collector, Hyderabad District*** took the view that it is not open to the Municipal Corporation to insist on filing of NOC and TSLR issued by the revenue authorities and also took view that TSLR cannot be regarded as a sole guiding factor to the competent authority while dealing with the building applications. TSLR entries have to be considered in conjunction with other documents, which the applicants would like to place reliance upon.

In view of the Division Bench Judgment, I deem it appropriate to direct the respondent to receive the application of the petitioner, accompanied by documents, and consider the same, as contemplated under Bye-law 4.2 of the Hyderabad Municipal Corporation, Building Permission Bye-laws, and pass appropriate orders in accordance with law.

The Writ Petition is, accordingly, disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 04.07.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner,

Municipal Corporation of Hyderabad,

Tank Bund Road, Hyderabad

2. Two CD copies